

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7005

BILL NUMBER: HB 1970

DATE PREPARED: Jan 20, 1999

BILL AMENDED:

SUBJECT: Sex offenders.

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill imposes a Class A misdemeanor on a sex offender who visits or lives within 1,000 feet of a school or a city, town, or county park. It also allows the state to seek to have a person sentenced to life imprisonment without parole if the person has two unrelated felony convictions for: (1) kidnapping, if the victim is less than 18 years of age; (2) criminal confinement, if the victim is less than 18 years of age; (3) rape, if the victim is less than 18 years of age; (4) criminal deviate conduct, if the victim is less than eighteen 18 years of age; (5) child molesting; (6) child exploitation; (7) vicarious sexual gratification; (8) child solicitation; (9) child seduction; (10) sexual battery, if the victim is less than 18 years of age; (11) sexual misconduct with a minor as a Class A or Class B felony; or (12) incest, if the victim is less than 18 years of age.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill could add greatly to DOC capacity, over time, for offenders sentenced to life imprisonment without parole (LIWP) for the crimes specified. This could place additional pressure on the DOC for capital construction of new facilities due to its current overcapacity. DOC will be completing construction on a facility with 1,400 new beds by the fall of 1999. Including all contracted and county jail beds, DOC adult male capacity in FY 2000 will be 16,256 with a projected population of about 18,000 beds (+11%). DOC has made a capital budget request in this Biennium for an additional 1,600 medium security beds at a cost of \$69.5 M.

There are currently 38 persons currently serving LIWP, all with murder convictions as their primary offenses (most have multiple accessory offense convictions). Most LIWP offenders are housed in the State Prison and the Pendleton Correctional Facility. The average annual operating costs for both facilities is \$17,300.

Based on the offenses specified, the following are representative figures for the number of offenders who have committed at least one offense as a primary crime for which they were convicted. (No information is currently available on the number of current offenders who are repeat offenders for the crimes specified in

the bill.)

Felony Sex Crimes	Number of Offenders	
	Five Year Average	FY 1997
Rape*	63	66
Criminal Deviate Conduct*	19	17
Child Molesting	357	376
Child Exploitation	2	2
Vicarious Sexual Gratification	3	2
Child Solicitation	2	1
Child Seduction	0	1
Sexual Battery*	35	39
Sexual Misconduct With A Minor	6	1
Incest	8	2
Total	495	506

*age of victims unknown

Explanation of State Revenues: This bill creates a new Class A misdemeanor offense. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44. Courts would also have an additional administrative expense for processing an additional jury hearing for the sex offenders specified in this bill.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; law enforcement agencies.

Information Sources: Planning Division, Department of Correction.